

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES ETHEREDGE

Plaintiff

v.

M.L. HENRY, *et al.*,

Defendants

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**3:11-CV-2330
(JUDGE MARIANI)**

ORDER


AND NOW, THIS 6TH DAY OF JANUARY 2014, upon consideration of Defendants' Motion to Dismiss Amended Complaint (Doc. 41) and all accompanying briefs, **IT IS HEREBY ORDERED THAT:**

1. Defendants' Motion to Dismiss Amended Complaint (Doc. 41) is **GRANTED IN PART AND DENIED IN PART.**

- a. Plaintiff's gender-based Equal Protection claim is **DISMISSED WITH PREJUDICE.**
- b. All facts arising before March 2008 in support of Plaintiff's sole remaining claim of an Equal Protection violation based on his sexual orientation are **DISMISSED WITH PREJUDICE.**

- i. Accordingly, Defendants' motion to dismiss Plaintiff's Equal Protection claim based on sexual orientation is **DENIED WITHOUT PREJUDICE.**

c. Additionally, Defendants' motion to dismiss for lack of personal involvement is
DENIED WITHOUT PREJUDICE.



Robert D. Mariani
United States District Judge